

SENATE BILL 1784

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 63,  
Chapter 10, relative to electronic prescriptions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following as a new section to be appropriately designated:

63-10-215.

(a) A prescription order, that is electronically generated by a licensed prescriber, authorized pursuant to § 63-6-204, transmitted and received at the pharmacy by computer systems shall contain at least the name of the patient, the name, strength, and quantity of the drug prescribed, any directions specified by the prescriber, the name of the practitioner prescribing the medication, and shall be dated and signed using an electronic signature by the prescribing practitioner on the day issued, and any other requirements as specified by the Rules of the Tennessee Board of Pharmacy, Chapter 1140-03.

(b) Electronic prescribing shall not interfere with a patient's freedom to choose a pharmacy.

(c) Electronic prescribing software shall not use any means or permit any other person to use any means, including, but not limited to, advertising, instant messaging, and pop-up ads, to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a prescribing practitioner at the point of care. Such means shall not be triggered by or in specific response to the input, selection, or act of a prescribing practitioner or the practitioner's agent in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.

(d) Electronic prescribing software may show information regarding a payor's formulary, co-payment, or benefit plan as long as nothing is designed to preclude or make more difficult the act of a prescribing practitioner or patient selecting any particular pharmacy or pharmaceutical.

(e) Electronic prescribing software shall make available means to request a prior authorization approval and receive a prior authorization approval electronically on the day the prescription is issued.

(f) This section shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor, or other person authorized to write prescriptions, writes the order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted care living facility as defined in § 68-11-201, inpatients or residents of a mental health hospital or residential facility licensed under title 33, individuals incarcerated in a local, state or federal correctional facility, or for patients who receive their medication through a physician dispensary.

(g) This section shall also not apply to prescriptions written for patients at the time of their discharge from a hospital where the doctor, or other person authorized to write prescriptions, writes the order into the hospital medical record.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.